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## NEWS

### *Asbestos*

#### **Statute of Repose Bars Asbestos Suit By Phoenix**

The city of Phoenix waited too long to file suit for indemnification against hired contractors and developers, an Arizona appeals court ruled May 19 in an indemnification claim that arose from asbestos exposure (City of Phoenix v. Glenayre...

### *Biotechnology*

#### **County Ban on GM Crops Overturned in Oregon**

An Oregon statute renders invalid a county ordinance that banned genetically engineered plants, a circuit judge ruled May 16 (White v. Josephine County, Or. Cir. Ct., No. 15-CV-23592, 5/16/16)....

### *Chemicals*

#### **EPA Plans Four New Rules, One Expanded Rule for Chemicals**

The Environmental Protection Agency's portion of the spring Regulatory Agenda includes four new chemical rulemakings and one expanded chemical rule....

### *Chemicals*

#### **Lawmakers Ready Final Push to Get TSCA Reform Done**

After months of bicameral negotiations, lawmakers announced May 19 they had effectively reached an agreement to overhaul the nation's primary industrial chemicals law. ...

### *Climate Change*

#### **House Republicans Target Attorneys General Probing Exxon**

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Environmental advocates dismissed as unfounded House Republicans' investigation into efforts by attorneys general and advocacy groups to probe fossil fuel companies' climate change disclosures....

### *Climate Change*

#### **UN Climate Negotiations in Bonn Search for Common Ground**

The gap between the negotiating positions of rich and poor countries that momentarily closed at last December's landmark United Nations climate summit in Paris reopened at the follow-up talks in Bonn May 19 over what is being called a "rule...

### *Climate Regulation*

#### **Clean Power Plan Driving Renewables, Limiting Coal: Report**

The Environmental Protection Agency's Clean Power Plan boosts the projected growth in renewable generation while driving down demand for electricity, the North American Electric Reliability Corp. said in a May 19 analysis....

### *Coal Mining*

#### **Glencore Investors Pass Climate-Change Motion**

Glencore Plc investors agreed that the largest exporter of coal burned for power should provide more information on risks to its business from growing levels of government legislation to tackle climate change....

### *Congress*

#### **Bills on TSCA, Energy/Water Funding Go to House Rules**

The House Rules Committee announced May 19 that it will convene at 5 p.m. on May 23 to take up bills to reform the nation's main chemical law, fund water and energy projects and block an Environmental Protection Agency rule governing pesticide...

### *Drinking Water*

#### **EPA Issues Drinking Water Health Advisories for PFOS, PFOA**

The Environmental Protection Agency released voluntary benchmarks May 19 to guide local water systems, states and others in determining what concentration levels of certain highly fluorinated chemicals in drinking water are safe for public...

### *Drinking Water*

#### **NAACP Files Class Action Lawsuit Over Flint Crisis**

The NAACP May 18 announced that it has filed in federal court a lawsuit seeking class action status on behalf of Flint, Mich., residents over the drinking water crisis (Gilcrest v. Lockwood, Andrew & Newman P.C., E.D. Mich., No. 5:16-cv-11173,...

### *Energy*

#### **FERC: Aliso Canyon Gas Leak May Lead to Reliability Risk**

The Aliso Canyon natural gas leak in California may lead to local electric reliability risks and could result in increased energy prices this summer, the Federal Energy Regulatory Commission staff said....

### *Energy*

#### **Moniz: Closing Nuclear Plants Poses 'Huge Problem'**

Energy Secretary Ernest Moniz called the growing number of closures of nuclear reactors in competitive, deregulated markets a "huge problem." ...

### *Enforcement*

#### **Federal-State Enforcement Cases on the Rise, Cruden Says**

The Justice Department is working with states on a growing number of cooperative pollution law enforcement cases, Assistant Attorney General John Cruden said May 19 at a legal education seminar. ...

### *Hazardous Waste*

#### **EPA Waste Agenda Targets Chemical Security, Vapor Intrusion**

The Environmental Protection Agency's Office of Land and Emergency Management pledged to finalize rules on chemical security risk management and vapor intrusion in the remaining eight months of the Obama administration, according...

### *International Climate*

#### **Trump's Vow to Undo Paris Agreement Divides Senate**

Senate Republicans enthusiastically endorsed Republican presumptive presidential nominee Donald Trump's promise to "renegotiate" the international Paris climate change agreement May 19, while Democrats cited the comments...

### *Oil & Gas*

#### **Influence of Public Explored in Offshore Leasing**

An Interior Department official was taken to task May 19 by two senators who suggested the department's policies on offshore oil and gas leasing include selective attentiveness to the opinion of only some segments of the public—specifically,...

### *Oil Spills*

#### **Pipeline Corrosion Caused California Oil Spill: PHMSA**

External corrosion was the direct cause of a pipeline failure in May 2015 that spilled more than 140,000 gallons of crude oil and other pollutants along the California coast in Santa Barbara County, federal regulators said May 19....

### *Pesticides*

#### **EPA Pollinator Data Rule Prioritized**

The Environmental Protection Agency plans to propose a new regulation before President Barack Obama leaves office that could require pesticide makers to begin submitting more data to the agency on how their products affect pollinators....

### *Pipelines*

#### **Canada Regulator Backs Expanded Oil-Sands-to-Pacific Pipeline**

Canada's energy regulator recommended conditional approval of Kinder Morgan Inc.'s plan to triple the capacity of the only pipeline linking Alberta's oil sands with Pacific markets. ...

### *Radioactive Waste*

#### **Rockwell, Dow to Pay \$375M in Rocky Flats Settlement**

Rockwell Automation and Dow Chemical Co. have agreed to pay \$375 million to resolve the long-standing claims of a class of landowners near Rocky Flats, a former Energy Department nuclear weapons plant near Denver (Cook v. Rockwell Int'l...

### *Renewable Energy*

#### **SunEdison Scrambles to Secure Creditor Deal on Bankruptcy Loan**

SunEdison Inc. is trying again to hammer out a deal with creditors for a loan the renewable energy giant says it needs to avoid an immediate "fire sale" liquidation (In re SunEdison Inc., Bankr. S.D.N.Y., No. 16-10992, 5/19/16).....

### *Right to Know*

#### **EPA Schedules New Drilling Industry Reporting Rules**

The Environmental Protection Agency has laid out a schedule for when it will introduce new emissions reporting requirements on the oil and gas drilling industry (RIN:2070-AK16)....

### *Superfund*

#### **Taconic Site in New York Added to Superfund List for PFOA**

A plastics manufacturer near Albany, N.Y. was named as a potential responsible party for perfluorooctanoic acid (PFOA) contamination of a town water supply May 19 and its site was added to the state Superfund list by the Department of Environmental...

### *Sustainability*

#### **Corporate Chemical Risks Get Their Own Footprint**

Consumer-facing companies that do a good job managing chemical risks in their products and supply chains could be rewarded financially under a new footprinting framework being championed by a group of investors and institutional purchasers....

### *Taxes*

#### **IRS Reissues Tax Credit Guidance for Renewable Facilities**

The IRS modified a safe harbor deadline and corrected a math error in reissued guidance on the conditions some renewable energy plants must meet to qualify for production tax credits this year....

### *Toxic Substances*

#### **EU Postpones Glyphosate Reauthorization Vote**

A regulatory committee of European Union member state representatives May 19 once again deferred a vote on the reauthorization in the bloc of the herbicide glyphosate, signaling a continued deadlock among EU countries over the substance....

### *Water Pollution*

#### **Bottled Water Going to Town With Unsafe Drinking Water**

Pennsylvania will supply bottled drinking water on an interim basis to a township near Philadelphia that has unsafe levels of

perfluorooctane sulphonate (PFOS) and perfluorooctanoic acid (PFOA) in the drinking water, the governor's...

#### *Water Pollution*

##### **EPA Consults on Threats to Species on Water Standards**

The Environmental Protection Agency tends to engage in informal consultation on whether water quality standards or individual permits may jeopardize endangered or threatened species or their habitat, but it will move into more formal proceedings...

#### *Water Pollution*

##### **Michigan County's Wetlands Lawsuit Against EPA Dismissed**

A Michigan county's lawsuit challenging the denial of a wetlands conversion permit has been dismissed (Marquette Cnty. Road Comm'n v. EPA, W.D. Mich., No. 2:15-cv-00093, 5/18/16)....

#### *Water Pollution*

##### **NRDC Wants Court to Remand Parts of Water Rule**

The Natural Resources Defense Council doesn't want a federal appeals court to vacate the rule to clarify the scope of Clean Water Act jurisdiction, the environmental group's senior attorney said May 19. ...

#### *Wetlands*

##### **Maryland Governor Signs Wetlands Mitigation Banking Bill**

Legislation (H.B. 797) to encourage mitigation banking to compensate for nontidal wetlands disturbed by development was signed May 19 by Maryland Gov. Larry Hogan (R)....

## **BNA INSIGHTS**

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### **The Supreme Court's New Electricity Federalism**

In a remarkable burst of activity, the U.S. Supreme Court decided three cases in the past year involving the split of jurisdiction between the Federal Energy Regulatory Commission (FERC) and the states in the energy sector. FERC v. Electric...

## **INTERVIEW**

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### **Climate Change**

#### **Q&A With Patricia Espinosa, UN's New Climate Chief**

Patricia Espinosa's appointment as the fifth executive secretary of the United Nations Framework Convention on Climate Change (UNFCCC)—the UN's top climate change body—is finally official. UN Secretary-General...

## **REGULATORY AGENDA**

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### **Comment Deadlines**

### **MAY 19 FEDERAL REGISTER**

## MAY 20 FEDERAL REGISTER

### Daily Environment Report

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